NOTIFICATION.

Order No. P. 300—*Legis.* 4-38-1, *dated Bangalore,* 14*th July* 1938.

Ordered that the accompanying Act further to amend the Mysore Limitation Act, 1911, which received the assent of His Highness the Maharaja, on the seventh day of July 1938, be published as Act XI of 1938, in the *Mysore Gazette*, for general information.

By Order,

C. SUBRAHMANYA AIYAR,

Offg. *Secretary to Government,*
General Department.

ACT XI OF 1938.

(*Received the assent of His Highness the Maharaja on the Seventh day of July 1938.*)

An Act further to amend the Mysore Limitation Act, 1911.

Where as it is expedient further to amend the Mysore Limitation Act, 1911; it is hereby enacted as follows :—

Short title and commencement.

1. (1) This Act may be called the Mysore Limitation (Amendment) Act, 1938.

(2) It shall come into force on the first day of October 1938.

Amendment of section 5.

2. In section 5 of the Mysore Limitation Act, 1911 (hereinafter referred to as the said Act), for the words "by any enactment or rule" the words "by or under any enactment" shall be substituted.

Amendment of section 10.

3. In section 10 of the said Act, the following paragraph shall be inserted, namely :—

"For the purposes of this section any property comprised in a Hindu, Mahomedan or Buddhist religious or charitable endowment shall be deemed to be property

vested in trust for a specific purpose and the manager of any such property shall be deemed to be the trustee thereof."

Amendment of section 29.

4. For section 29 of the said Act, the following shall be substituted, namely :—

"29 (1) Nothing in this Act shall affect section 25 of the Indian Contract Act, 1872, as in force in Mysore ;

(2) where any special or local law prescribes for any suit, appeal or application a period of limitation different from the period prescribed therefor by the First Schedule, the provisions of section 3 shall apply, as if such period were prescribed therefor in that schedule, and for the purpose of determining any period of limitation prescribed for any suit, appeal or application by any special or local law, and

(*a*) the provisions contained in section 4, sections 9 to 18, and section 22 shall apply only in so far as and to the extent to which, they are not expressly excluded by such special or local law ; and

(*b*) the remaining provisions of this Act shall not apply."

Amendment of articles 48-A and 48-B

5. In the First Division of the First Schedule to the said Act, after article 48, the following articles shall be inserted, namely :—

48-A. To recover movable property conveyed or bequeathed in trust, deposited or pawned and afterwards bought from the trustee, depository or pawnee for a valuable consideration.	Three years	When the sale becomes known to the plaintiff.
48-B. To set aside sale of movable property comprised in a Hindu, Mahomedan or Buddhist religious or charitable endowment, made by a manager thereof for a valuable consideration.	Three years	When the sale becomes known to the plaintiff.

Amendment of article 132.

6. To article 132 in the First Division of the First Schedule to the said Act, the following explanation shall be added, namely :—

"*Explanation.*—Advances secured by mortgage by deposit of title deeds shall, for the purposes of this article be deemed to be money charged upon immovable property."

Amendment of first Schedule.

7. In the First Division of the First Schedule to the said Act :—

(*a*) Article 133 shall be omitted.

(*b*) In article 134, in the third column, for the words "the date of the transfer" the words "when the transfer becomes known to the plaintiff" shall be substituted ; and

(*c*) After article 134, the following articles shall be inserted, namely :—

134-A.	To set aside a transfer of immovable property comprised in a Hindu, Mahomedan or Buddhist religious or charitable endowment made by a manager thereof for a valuable consideration.	Twelve years	When the transfer becomes known to the plaintiff.
134-B.	By the manager of a Hindu, Mahomedan or Buddhist religious or charitable endowment, to recover possession of immovable property comprised in the endowment which has been transferred by a previous manager for a valuable consideration.	Twelve years	The death, resignation or removal of the transfer or
134-C.	By the manager of a Hindu, Mahomedan or Buddhist religious or charitable endowment to recover possession of movable property comprised in the endowment which has been sold by a previous manager for a valuable consideration.	Twelve years	The death, resignation or removal of the seller.

Amendment of article 158.

8. In the Third Division of the First Schedule to the said Act, in article 158 in the third column, for the words "when the award is submitted to the Court," the words "when the award is filed in Court and notice of the filing has been given to the parties" shall be substituted.

Amendment of article 166.

9. In the Third Division of the First Schedule to the said Act in article 166 in the first column, the words "or fraud" shall be inserted after the word "irregularity."

Amendment of articles 176, 177 and 178.

10. In the Third Division of the First Schedule of the said Act, (a) in articles 176 and 177 in the second column for the word "ditto" appearing against each article the words "Ninety days" shall be substituted; and (*b*) in article 178 in the second column for the word "ditto" the words "six months" shall be substituted.

MIRZA M. ISMAIL,
Dewan.

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